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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,065	05/04/2001	Ward Dean Halverson	101430-0131	8164
21125	7590	09/07/2005	EXAMINER	
NUTTER MCCLENNEN & FISH LLP WORLD TRADE CENTER WEST 155 SEAPORT BOULEVARD BOSTON, MA 02210-2604			PADGETT, MARIANNE L	
		ART UNIT	PAPER NUMBER	
		1762		

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/849,065	HALVERSON, WARD DEAN
	<b>Examiner</b>	<b>Art Unit</b>
	Marianne L. Padgett	1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 June 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,4-8,10-19,21-28,31,33-39,50 and 52-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4-8,10-19,21-28,31,33-39,50 and 52-58 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 1762

1. The amendment of 6/20/05 corrects the 112 problem noted in section 2 or the action mailed 12/17/04, while cancellation of claim 49 removes the rejection in section 5 thereof.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-8, 10-19, 21-28, 31, 33-39 and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki (883), in view of Subramanian (5,914,115), optionally considering Kieser et al (5,053,244) and/or Wilhelm (4,897,285), as discussed in sections 5-9 of the 12/17/04 action & 4, 5, 6 and 7 (esp. 7 for amendments) of paper # 9, mailed 3/24/04.

With respect to applicants' arguments concerning Yamazaki (883), applicants' p.10 (6/20/05 response) which seem to imply that no internal plasma treatment (inclusive of plasma cleaning) can occur in Yamazaki (883)'s treatment of substrates with lumens, such as the exemplary pen/pencil parts, which appears to be contradicting applicant's obliquely implied page 12 arguments of the 7/26/05 response, that such treatment must occur. However Yamazaki was not applied as a stand alone reference, where the inherency stated by the examiner (contrary to applicants' assertions) was for the presence of gas, not plasma in the interiors, with statements that its reasonable to expect that such plasma treatment CAN occur, (which is NOT inherence, which applicants had appear to previously assert themselves) where the secondary reference to Subramanian provides plasma teaching were interior plasma treatment is desirable and does occur providing motivation to ensure its occurrence, as previously discussed, especially for

Art Unit: 1762

substrates shown to be desirably treated like the catheters of Subramanian. It is again noted that Subramanian explicitly reads on the claimed chemical modification of interior surfaces as it teaches functionalization with chemically reactive groups to enable subsequent coating.

4. Claims 21-24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki (883), in view of Subramanian, optionally considering Kieser et al or Wilhelm as applied to claims 1, 4-8, 10-19, 21-28, 31-39 and 49-52 above, and further in view of Williams et al (4,927,676) or Makker et al (5,942,277) or Narayanan (5,486,357) as cumulatively considered in section 8 of paper #9 and section 10 of paper #6 mailed on 2/21/03.

5. Claims 1, 4, 8, 10, 16-17, 19, 21-22, 24-25, 27-28, 31, 33, 36 and 49-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Conover et al (6,136,389), as discussed in section 8 of the action mailed 12/17/04.

That Conover et al teach their initial plasma treatment of porous substrates that may be tubular causes decomposition of an organometallic precursor to deposit metal (Pt or Au) on the exposed surface that may be limited to interior or exterior of tubes reads on applicants' claimed generic plasma treatment, including chemical &/or physical modification. Since, after platinization (metallization) a subsequent coating may be applied (examples on col.15, lines 25-40, including bio-applications), this reads on subsequent coating as amended, hence applicants arguments are again very unconvincing, as they appear to ignore previously discussed disclosure in Conover et

6. Claims 5-7, 11-15, 22, 25-26, 34-35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conover et al, as discussed in section 9 of the action mailed 12/17/04.

7. Claims 53-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conover et al as applied to claims 1, 4-8, 10-17, 19-22, 24-28, 31, 33-37, 39 and 49-52 above, and further in view of Wilhelm & Kanai et al (5,976,257), & optionally Kieser et al for claim 53, as discussed in section 12 of the action mailed 12/17/04.

Art Unit: 1762

As previously stated Conover et al teaches use of use of "techniques known in the art for 'single side' or 'counter flow' low pressure chemical vapor deposition (LPCVD)... can be modified to obtain controlled platinization layer or zone within the interior wall of the substrate tubing, for deposition at a specific location on or along the wall", where the terminology suggests that flow hence pressure is involved. Applicants assert without support that this only refers to different chemical deposition( p.15 of 6/20/05 response), however 'single side' or 'counter flow' LPCVD while inclusive of providing chemical differentiation interiorly or exteriorly, is clearly suggestive of different pressures, as such means are typical ways of producing taught flow effects.

8. Applicant's arguments filed on 6/20/05 and discussed above have been fully considered but they are not persuasive.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

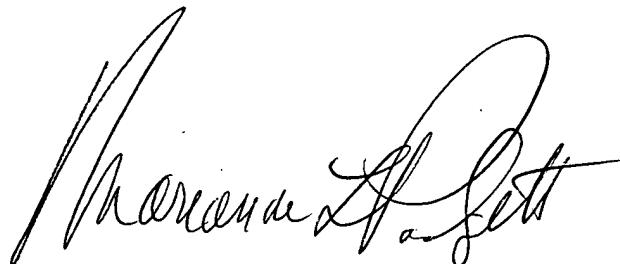
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne L. Padgett whose telephone number is (571) 272-1425. The examiner can normally be reached on M-F from about 8:30 a.m. to 4:30 p.m.

Art Unit: 1762

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks, can be reached at (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLP 9/6/05



MARIANNE PADGETT  
PRIMARY EXAMINER